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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Bacus, et al.  
ASSIGNEE: CELL SIGNALING TECHNOLOGY, INC.  
SERIAL NUMBER: 10/735,118 EXAMINER: Ungar, Susan  
FILING DATE: December 11, 2003 ART UNIT: 1642  
FOR: METHOD FOR PREDICTING RESPONSE TO HER-2 DIRECTED THERAPY

**CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8**

I hereby certify that this correspondence, and any documents referred to as attached hereto, is/are being transmitted to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, Central facsimile number: (571) 273-8300 on this 23rd of February 2008.

  
Lisa M. Pappalardo

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND PRELIMINARY AMENDMENT AND  
RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement mailed August 23, 2007 ("Restriction Requirement") in connection with the above-identified patent application ("Application"), Applicants make the following preliminary amendments and comments. The period for this response has been extended to February 25, 2008 by the accompanying Petition for a Five Month Extension of Time and payment of fee.

Amendments to the Claims are reflected in the complete listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Conclusion begins on page 13 of this paper.